

REMARKS

Introductory Comments

Claims 1-26 and 28-41 are pending in the application. Claims 5, 9-27 and 29-31 are withdrawn. Claim 27 has been cancelled. In view of the following remarks, the Applicant respectfully submits that the application is in condition for allowance and requests a notice stating the same. Reconsideration and withdrawal of the rejections are respectfully requested.

The Action dated January 4, 2011, states that under 37 CFR 1.111(b), the Applicant's October 7, 2010 response (the October 7, 2010 response or "the previous response") is not fully responsive to the prior Office Action because: 1) no attempt is made to point out how the language of claims 32-35, 39 and 41 are distinguished from the cited Wolfenbuttel; and 2) the October 7, 2010 response twice states that claim 1 is amended when there was no amendment to claim 1 indicated in the Listing of Claims. The Applicants thank the examiner and confirm that page 20 of the October 7, 2010 response contains inadvertent references to "amended" claim 1 when claim 1 was not amended. Since the Action has not stated otherwise, this response assumes that the examiner has found the previous response fully responsive to all other issues previously raised.

As best understood, the Action states that the arguments presented in the previous response distinguishing claim 1 over Wolfenbuttel do not apply to claim 32 because claim 32 is directed to a photo-sensing method limited by "junction field transistor" language whereas claim 1 is directed to a semi-conductor device limited by "first *pn* junction" and "second *pn* junction" language. For this reason, the Examiner disagrees with the applicant's arguments in the previous response that claim 1 and claim 32 have similar limitations.

While it is agreed that claim 1 is directed to a semi conductor device and claim 32 is directed to a photo-sensing method, it is respectfully submitted that the arguments presented in the previous response with respect to distinguishing limitations of claim 1 are equally applicable to distinguishing limitations of claim 32 over Wolfenbuttel because both claims have similar limitations, albeit recited with different languages. More specifically, claim 1 recites "first depleted

region" and "second depleted region" language in claim 1 and claim 32 recites "at least two depleted regions" language, as further explained below.

In the previous response, claim 1 was distinguished over Wolfenbuttel for requiring a first *pn*-junction defining a first depletion region at a first depth relative to a surface and a second *pn*-junction defining a second depletion region formed at a second depth relative to the surface that is deeper than said first depth. Further, claim 1 requires the first and second depths are chosen to generate (i) charge carriers in said first depletion region in response to light of a first wavelength band incident on said surface, (ii) charge carriers in said second depletion region in response to light of a second wavelength band incident on said surface. (e.g., see, the October 7, 2010 response, page 16, underlined text in the last paragraph).

Because the first and second depletion regions are responsive to light of first and wavelengths, claim 1 requires wavelength dependent depletion regions. The previous response argued that the JFET disclosed in Wolfenbuttel is merely a control element that is ancillary to the operation of color sensing and that Wolfenbuttel does not simultaneously detect all colour signals and is tuned to a single colour range. (See, the previous response, page 18, first paragraph). In essence, claim 1 was distinguished over Wolfenbuttel because claim 1 includes, a first and a second depletion region, e.g. at least two depleted regions, each exhibiting a spectral response based on a first wavelength and a second wavelength, respectively. In other words, the previous response distinguished claim 1 over Wolfenbuttel because of the required wavelength dependency of the two depleted regions, which is not taught or suggested by Wolfennbuttel's single colour/wavelength device.

Thus for the purposes of applying the arguments set forth with regard to claim 1, the distinguishing limitations, namely, the recited requirement of first and second depleted regions might correspond to the at least two depleted regions recited in claim 32. More particularly, claim 32 requires the at least two depleted regions of to have a photoelectric spectral response peaking at a distinct, pre-determined wavelength. Thus, claim 32 requires the at least two depleted regions to be wavelength dependent at distinct, pre-determined wavelengths. The wavelength dependency of the at least two depletion regions distinguishes claim 32 over Wolfenbuttel since, for reasons set forth

in greater technical detail hereinabove with regard to claim 1, Wolfenbuttel fails to disclose or fairly suggest that for each particular one of said depleted regions, an output signal derived from said particular depleted region is sensed and that the output signal is indicative of the intensity of light absorbed therein.

It should be noted that for a prima facie case to be established and for a rejection to be properly sustained under 35 USC §102, each and every feature of the claim must be identically disclosed in the applied reference, either expressly or inherently. We believe that Wolfenbuttel fails to identically disclose each and every feature and thus the rejection should be reconsidered and withdrawn.

Conclusion

Applicants respectfully submit that, in view of the above Remarks that specifically address the portions of the previous response alleged to be unresponsive and the remarks from the previous response, all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Therefore, the Applicants respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.

If the Examiner believes, for any reasons, that further communication will expedite prosecution of this application the Examiner is invited to telephone the undersigned at the number provided.

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Accordingly, in view of the above amendments, it is believed that the claims of the present invention are in condition for allowance.

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Respectfully submitted,

By /Robert S. Babayi/

Robert S. Babayi

Registration No.: 33,471

VENABLE LLP

P.O. Box 34385

Washington, DC 20043-9998

(202) 344-4000

(202) 344-8300 (Fax)

Attorney/Agent For Applicant

#1160690